



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2308617
Applicant Name: Rick Anderson for Roy Bishop (4316 LLC)
Address of Proposal: 4316 36th Ave W

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one (1) parcel into four (4) lots (unit lot subdivision). Proposed lot sizes are: A) 948.8 square feet, B) 709 square feet, C) 1077 square feet; and D) 1565 square feet. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. Related projects: Demolish the existing single family residence, establish use as and construct four (4) ground related dwelling units (townhouses) all under MUP No. 2300292 Permit No. 738745.

The following approval is required:

Short Subdivision - to subdivide one (1) existing parcel into four (4) lots as a unit lot subdivision. (Chapter 23.24, Seattle Municipal Code).

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

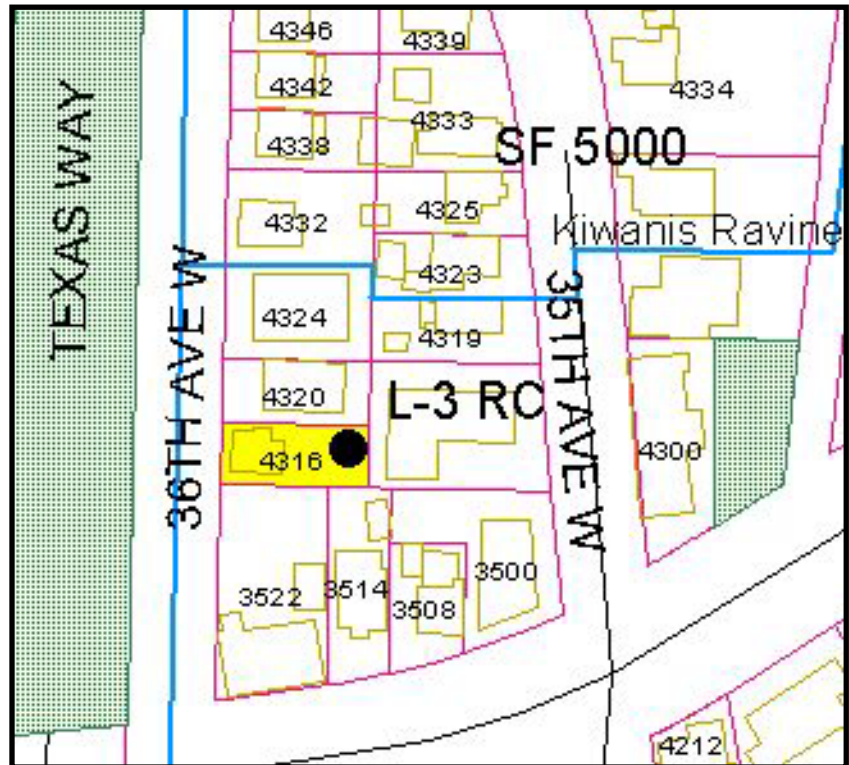
☐ DNS involving non-exempt grading, or demolition, or
involving another agency with jurisdiction.

BACKGROUND DATA

Site Description & Area Development

The approximately 4,300 square foot site is located in the Magnolia area of Seattle and is zoned Lowrise 3 Residential Commercial (L3-RC). In the immediate vicinity the Lowrise 3 Residential Commercial zone abuts the subject lot on the north, south and east lot lines. In the general vicinity, a Lowrise 3 (L3) zone is located directly south and across W Government Way. To the north and south of the L3 and L3-RC zones there is a Single Family 5000 (SF5000) zone.

Natural areas are in close proximity to the subject site, to the east, Kiwanis Ravine and to the west, Discovery Park. The site is located between these two natural features. Development in the vicinity consists of some small multifamily structures and mostly small scale single family structures to the north and larger scale multifamily structures to the south with some small scale single family structures.



Proposal

The proposal is to subdivide one (1) parcel into four (4) unit subdivision lots with vehicle access from 36th Ave W. The new four-unit townhouse structure is currently being developed on the lot and will have parking located within and underneath each unit. Proposed lot sizes are indicated in the summary above. Unit lot A has direct pedestrian access to 36th Ave W, which is paved & improved. Unit lots B, C and D will have pedestrian access to 36th Ave W. via a pedestrian access easement located along the southern property line. On the east side of the street there is a small planting strip, with a concrete walkway, and there is no curb or gutter. The west side of the street is unimproved, there is no sidewalk, planting strip curb or gutter.

Public Comments

The comment period for this proposal ended on January 28th 2004. During the public comment period, DPD received no written comments for the project.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing tree;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*
8. *Conformance to the provisions of Section 23.24.046, Multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

Based on information provided by the applicant, referral comments from the Department of Planning and Development, Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. *Conformance to the applicable Land Use Code provisions;*

The subject property is zoned for multi-family Lowrise 3 Residential Commercial (L3-RC) use. The allowable density of the subject property is one unit per eight-hundred (800) square feet of lot area. Given a lot area of approximately 4,300 square feet, five (5) units are allowed and four (4) are proposed. Maximum lot coverage is 50%. The front setback is 4' as modified by Design Review under MUP No. 2300292 Permit No. 738745. The minimum side setback is five (5') feet; the actual required setback is based on the structure depth and height of the facade adjacent to the side property line. In this case, the required side setbacks were modified by Design Review from the required 9' average and 6' minimum to a 5' average and 5' minimum. Rear setback is twenty (20)

feet or twenty (20%) percent of the lot depth, in this case the rear setback was modified by Design Review to be fourteen (14) feet, where fifteen (15) feet is normally required. The proposed parcels provide adequate buildable area to meet applicable setbacks, lot coverage requirements, and other Land Use Code development standards as modified through Design Review. See MUP No. 2300292 Permit No. 738745 for all departures from development standards.

2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*

The Seattle Fire Department has no objection to the proposed short plat. All private utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has reviewed the proposal and requires an easement (#250315-1-005) to provide for electrical facilities and service to the proposed lots in addition to the utility easement identified on the proposed short plat, which must be included on the final plat. This short plat provides for adequate access for vehicles, utilities, and fire protection.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

This area is served with domestic water, sanitary sewer, and stormdrain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The short plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate was issued on January 8th, 2004 (WAC ID No 2004-15). There is a standard eight (8) inch CIP CLB water main located in 36th Ave W, which serves the site. There is an eight (8) inch public combined sewer (PS) located in 36th Ave W that serves the development. Plan review requirements were made at the time of building permit application in accordance with any applicable stormwater ordinances in effect at that time.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed short subdivision is consistent with and will meet all minimum Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. Therefore, the public use and interests are served by permitting the proposed subdivision of land while also maintaining the character of the neighborhood. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*

This site is not located in any environmentally critical area as defined in SMC 25.09.240. There are no environmentally critical areas mapped or otherwise observed on the site.

6. *Is designed to maximize the retention of existing tree;*

There are two (2) exceptional trees on site as evidenced by a referral from Seattle Department of Transportation's Landscape Architect and the submitted tree report required during the Design Review Process. Two Pacific Dogwoods (*Cornus Nattallii*) (one 20" & one 8") were preserved as a result of the Design Review process per SMC 25.11.070. Also, SMC 23.45.015 (C.1.b) requires that all new multifamily development plant or preserve on site trees. The lot size of the proposal requires that at least 8.6 caliper inches of trees be planted or preserved on site. The tree requirement was reviewed under MUP No. 2300292 Permit No. 738745.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

One four-unit townhouse structure is currently being developed on the subject site. Pursuant to SMC 23.24.045(A&B), sites developed or proposed to be developed with townhouses, cottage housing, clustered housing, or single-family housing may be subdivided into individual nonconforming unit parcels if development as a whole on the parent lot meets applicable Land Use Code development standards. To assure that future owners have constructive notice that additional development may be limited due to nonconformities; the following statement shall be required to be included as a note on the final short subdivision: *The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.*

The conformance of the proposed development as a whole with the applicable Land Use and Code Provisions has been reviewed under MUP No. 2300292 Permit No. 738745. These provisions include, but are not limited to, setback, lot coverage, building height, usable open space, landscaping, and parking requirements. Consistent with Section 23.24.045(C), additional development of the proposed lots shall be limited. Subsequent platting actions, or additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot. Subsequent actions that would create any nonconformity of proposed Lots A, B, C and D are also not permitted. Consistent with Section 23.24.045 (D), access easements and joint use and maintenance agreements shall be executed for parking areas, driveway and pedestrian access if necessary. Therefore, the proposed short subdivision conforms to the provisions of Section 23.24.045 for unit lot subdivisions.

8. *Conformance to the provisions of Section 23.24.046, Multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

This subdivision application is not a short subdivision but rather a unit lot subdivision, therefore this section does not apply.

Summary

The lots to be created by this unit subdivision may not individually meet all of the zoning requirements for the Lowrise 3 Residential Commercial (L3-RC) zone, including setbacks, density, and structure width and depth, as modified through the Design Review process per MUP No. 2300292 Permit No. 738745 and is consistent with the provisions of SMC 23.24.045. However, the development when considered as a whole does meet all standards set forth in the Land Use Code. This unit subdivision is provided with vehicular access, and public and private utilities and access, including emergency vehicles. Adequate provisions for water supply and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions. Adequate provisions for drainage control have also been provided.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements; fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Submit the final recording forms for approval and any necessary fees.
3. Include an easement to provide for electrical facilities and service to the proposed lots as required by Seattle City Light (aka Exhibit A) on the final Short Subdivision (#250313-4-036).
4. Insert the following on the face of the plat: "The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."
5. Provide a joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and all ingress, egress and utility easements, if necessary.

6. Provide an area to allow for the posting of address signage for unit lots B, C and D at a location visible from 36th Ave W. and provide a covenant and/or an easement to ensure that address signage can be maintained.

Signature: _____ (signature on file) Date: March 4, 2004
Lucas DeHerrera, Land Use Planner
Department of Planning and Development

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